

ORDINANCE NO. 2003-032

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 PALM BEACH COUNTY COMPREHENSIVE PLAN ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **FUTURE LAND USE ATLAS** (TO CORRECT SCRIVENER'S ERRORS IN ORDINANCE 2000-056); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners has initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on June 9 and June 16, 2000 to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendment to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 12, 2000, to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on October 4, 2000 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated September 29, 2000, which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance;

1 WHEREAS, on December 6, 2000, the Palm Beach County Board of County
2 Commissioners held a public hearing to review the written comments
3 submitted by the Department of Community Affairs and to consider adoption
4 of the amendments; and

5 WHEREAS, the Palm Beach County Board of County Commissioners adopted
6 amendments to the Future Land Use Atlas on December 6, 2000 in Ordinance
7 2000-056; and

8 WHEREAS, Ordinance 2000-056 as adopted did not reflect, due to
9 scrivener errors, the actions reviewed and approved by the Department of
10 Community Affairs in this amendment to the Future Land Use Atlas by
11 inadvertently omitting a parcel from the legal description in the adopted
12 Exhibit; and

13 WHEREAS, it is the intent of the Board of County Commissioners to
14 adopt this ordinance, to incorporate the omitted parcel into the Future
15 Land Use Atlas (FLUA) as it was proposed and transmitted by the Board of
16 County Commissioners and reviewed by the Department of Community Affairs;
17 and

18 WHEREAS, on August 21, 2003, the Palm Beach County Board of County
19 Commissioners held a public hearing to review the proposed amendments;
20 and

21 WHEREAS, the Palm Beach County Board of County Commissioners has
22 determined that the amendment complies with all requirements of the Local
23 Government Comprehensive Planning and Land Development Regulations Act.

24 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS
25 OF PALM BEACH COUNTY, FLORIDA, that:

26 Part I. Amendments to the 1989 Comprehensive Plan

27 An amendment to the 1989 Comprehensive Plan is hereby adopted:

28 A. Future Land Use Atlas page 34 is amended to reflect the
29 correct legal description, including all parcels in the
30 Acreage Subdivision. The corrected legal description is as
31 follows:

32 Township 42 South, Range 40 East, the south one-half (S ½) of
33 Sections 13, 14 and 15; all of Sections 23, 24, 25, 26, 35 and 36;
34 Township 42 South, Range 41 East, the west one-half (W ½) of Section
35 17; all of Sections 18 and 19; all of Sections 20, 21, 22, 27, 28,
36 29, 30 and 31; the west one half (W ½); and the west one-third (W
37 1/3) of the east one-half (E ½) of Section 32, and all of Sections
38 33, 34 and 35;
39 Township 43 South, Range 41 East, all of Sections 2, 3, 4, 9, 10 and
40 11;
41 Township 43 South, Range 40 East, all of Sections 11 and 11; the
42 west three-quarters (W ¾) of Section 13; all of Section 14 and the

1 west three-quarters (W $\frac{3}{4}$) of Sections 24 and 25.

2
3 Part II. Repeal of Laws in Conflict

4 All local laws and ordinances applying to the unincorporated area of
5 Palm Beach County in conflict with any provision of this ordinance are
6 hereby repealed to the extent of such conflict.

7 Part III. Severability

8 If any section, paragraph, sentence, clause, phrase, or word of this
9 Ordinance is for any reason held by the Court to be unconstitutional,
10 inoperative or void, such holding shall not affect the remainder of this
11 Ordinance.

12 Part IV. Inclusion in the 1989 Comprehensive Plan

13 The provision of this Ordinance shall become and be made a part of
14 the 1989 Palm Beach County Comprehensive Plan. The Sections of the
15 Ordinance may be renumbered or relettered to accomplish such, and the
16 word "ordinance" may be changed to "section," "article," or any other
17 appropriate word.

18 Part V. Effective Date

19 The effective date of this plan amendment shall be the date a final
20 order is issued by the Department of Community Affairs or Administration
21 Commission finding the amendment in compliance in accordance with Section
22 163.3184(1)(b), Florida Statutes, whichever is applicable. No
23 development orders, development permits, or land uses dependent on this
24 amendment may be issued or commence before it has become effective. If a
25 final order of noncompliance is issued by the Administration Commission,
26 this amendment may nevertheless be made effective by adoption of a
27 resolution affirming its effective status, a copy of which resolution
28 shall be sent to the Florida Department of Community Affairs, Division of
29 Community Planning, Plan Processing Team. An adopted amendment whose
30 effective date is delayed by law shall be considered part of the adopted
31 plan until determined to be not in compliance by final order of the
32 Administration Commission. Then, it shall no longer be part of the
33

1 adopted plan unless the local government adopts a resolution affirming
2 its effectiveness in the manner provided by law.

3 APPROVED AND ADOPTED by the Board of County Commissioners of
4 Palm Beach County, on the 21 day of August, 2003.

5 ATTEST:

6 DOROTHY H. WILKEN

7 PALM BEACH COUNTY, FLORIDA,

8 BY ITS BOARD OF COUNTY COMMISSIONERS

9 By: Linda C. Hester

10 Deputy Clerk

11 By: Karen T. Marcus

12 Karen T. Marcus, Chair

13 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

14 [Signature]
15 COUNTY ATTORNEY

16 Filed with the Department of State on the 28 day
17 of August, 2003.

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STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on August 21, 2003
DATED at West Palm Beach, FL on 9/19/03.
DOROTHY H. WILKEN, Clerk
4 By: Wiane Brown D.C.